

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RONALD KIRK BROWN,

Plaintiff,

No. 16-11837

v.

District Judge Sean F. Cox
Magistrate Judge R. Steven Whalen

STEVE RIVARD, ET AL.,

Defendants.

ORDER

Before the Court is Plaintiff's motion for appointment of counsel [Docket #52]. Unlike criminal cases, there is no constitutional or statutory right to the appointment of counsel in civil cases. Rather, the Court requests members of the bar to assist in appropriate cases. In *Lavado v. Keohane*, 992 F.2d 601, 605-606 (6th Cir. 1993), the Sixth Circuit noted that "[a]ppointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances." (Internal quotations and citations omitted).

It is the practice of this Court to defer any attempt to obtain counsel for *pro se* civil rights Plaintiffs until after motions to dismiss or motions for summary judgment have been denied. On February 13, 2019, I filed a Report and Recommendation ("R&R") [Doc. #50], recommending that Defendants' motion for summary judgment [Doc. #42] be denied. If the R&R is adopted, Plaintiff's complaint will be dismissed. At this point, Plaintiff's motion for appointment of counsel is premature. If the Court ultimately rejects the R&R and denies Defendants' motion for summary judgment, he may renew his request for counsel.

Accordingly, Plaintiff's motion for appointment of counsel [Docket #52] is
DENIED WITHOUT PREJUDICE.

IT IS SO ORDERED.

s/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: March 6, 2019

CERTIFICATE OF SERVICE

I hereby certify on March 6, 2019 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to non-registered ECF participants on March 6, 2019.

s/Carolyn M. Ciesla
Case Manager for the
Honorable R. Steven Whalen